

The Definition Of Disability For Children

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed the definition of disability for children under the Supplemental Security Income (SSI) program.

The definition of disability for children:

- requires a child to have a physical or mental condition or conditions that can be medically proven and which result in **marked and severe** functional limitations;
- requires that the medically proven physical or mental condition or conditions must last or be expected to last at least 12 months or be expected to result in death;
- says that a child may not be considered disabled if he or she is working at a job that we consider to be substantial work. However, the law did not change the rules which allow certain children already on the rolls to continue to receive SSI even though they are working.

The law also changes the way we consider certain behavior problems caused by a child's condition or conditions.

Continuing Disability Reviews Are Required By Law

The law requires us to do a continuing disability review (CDR) to determine whether or not the child is still disabled. The CDR must be done:

- at least every three years for recipients under age 18 whose conditions are likely to improve; and

- not later than 12 months after birth for babies whose disability is based on their low birth weight.

We also may do CDRs for recipients under age 18 whose conditions are not likely to improve.

Representative Payees Must Provide Evidence Of Treatment

At the time we do a CDR, **the representative payee must present evidence that the child is and has been receiving treatment considered medically necessary and available for his or her disabling condition.** This is true in every case unless we determine that requiring such evidence would be inappropriate or unnecessary.

If the child's representative payee refuses without good cause to provide such evidence when requested, we will suspend payment of benefits to the representative payee and select another representative payee if it is in the best interest of the child. Or, we may pay the child directly if he or she is old enough.

The Law Requires A Disability Redetermination At Age 18

Any individual who was eligible as a child in the month before he or she attained age 18 must have his or her eligibility redetermined.

The redetermination will be done during the one-year period beginning on the individual's 18th birthday.

We will use the rules for adults filing new claims to do the redetermination.

Important Note About Children In Certain Medical Care Facilities

In addition to the definition of disability, the law affects children under age 18 who live, throughout a calendar month, in certain institutions where private health insurance pays for their care. The monthly SSI payment for these children will be limited to \$30. Previously, the \$30 SSI payment limit applied only when Medicaid paid more than half of the cost of their care.

For More Information

You can get recorded information about Social Security coverage 24 hours a day, including weekends and holidays, by calling Social Security's toll-free telephone number, **1-800-772-1213**. You can speak to a service representative between the

hours of 7 a.m. and 7 p.m. on business days. Our lines are busiest early in the week and early in the month, so if your business can wait, it's best to call at other times. Whenever you call, have your Social Security number handy.

People who are deaf or hard of hearing may call our toll-free "TTY" number, 1-800-325-0778, between 7 a.m. and 7 p.m. on business days.

You also can reach us on the Internet. Type <http://www.ssa.gov> to access Social Security information.

The Social Security Administration treats all calls confidentially—whether they're made to our toll-free numbers or to one of our offices. We also want to be sure that you receive accurate and courteous service. That is why we have a second Social Security representative monitor some incoming and outgoing telephone calls.



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